

Before the
FEDERAL COMMUNICATIONS COMMISSION **RECEIVED**
Washington, D.C. 20554

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In the Matter of)

)
Inquiry Concerning the Deployment of)
Advanced Telecommunications Capability to)
All Americans in a Reasonably Timely)
Fashion, and Possible Steps to Accelerate)
Such Deployment Pursuant to Section 706 of)
the Telecommunications Act of 1996)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 98-146 /

**REPLY COMMENTS OF
THE TEXAS COALITION OF CITIES FOR UTILITY ISSUES ("TCCFUI")**

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TABLE OF CONTENTS

I.	PREEMPTION OF LOCAL GOVERNMENT RIGHT-OF-WAY FRANCHISE AUTHORITY HAS NOT INCREASED DEPLOYMENT OF ADVANCED SERVICES.	4
A.	Preemption of local authority has not increased deployment of advanced telecommunications services to the majority of Americans, <i>i.e.</i> , residential or small business customers.	5
B.	Eliminating or restricting local government authority to require compensation for use of the public rights-of-way does not speed the deployment of advanced services.....	6
C.	Broadband deployment is dependant on access to capital financing, not the absence of local regulation.....	7
II.	FURTHER PREEMPTION OF LOCAL RIGHT-OF-WAY MANAGEMENT AUTHORITY WILL EXACERBATE THE NATIONAL EMERGENCY AND FURTHER THREATENS PUBLIC SAFETY.....	8
A.	Efforts to preempt local government authority threaten to exacerbate right-of- way-related problems for Texas local governments.	8
1.	Texas local governments need more, not less right-of-way authority.	10
2.	Right-of-way management authority must remain at the local level.	13
B.	Now is not the time limit local government right-of-way management authority.	13
III.	CONCLUSION.....	14

LIST OF ATTACHMENTS

- A. Map of AT&T Broadband Facilities in Plano, Texas
- B. Declaration of Sandra Stanley, MIS Director, City of Missouri City, Texas
- C. Damages From Contractor Installing Fiber Optic Cable in Plano, Texas

SUMMARY

The Texas Coalition of Cities for Utility Issues (“TCCFUI”) disputes the comments submitted by telecommunications companies which suggest that further preemption or restriction of local government right-of-way authority will speed deployment of advanced services. All available evidence suggests that restricting or preempting local government authority to manage and require compensation for use and occupation of the public rights-of-way does nothing to accelerate the rate of deployment of advanced services. Preempting local authority however, does increase expenses to all other persons dependent on using rights-of-way. When providers do not pay their fair share, local governments and their residents must foot the bill.

Many of the local government restrictions requested by commentators are now imposed on Texas municipalities by Texas HB 1777. These restrictions on local government right-of-way franchise authority have not lead to acceleration in deployment of advanced services to Texans. HB 1777 proves local government regulation is not the cause of delays in deployment.

Many of the industry comments distort the facts and seeks to obtain use of valuable public property for free. As an example, see the Reply Comments of Carrollton, Texas in opposition to the comments of Metromedia Fiber Network Services (“MFN”).

TCCFUI supports the comments of New Carrollton and of Plano, Texas. TCCFUI herein provides further evidence that preemption of local franchising authority does not accelerate deployment of advanced services. These services remain unavailable to the majority of Texans – regardless of whether they live in urban areas, affluent suburbs, rural areas, or economically depressed or disadvantaged areas. Advanced services are being deployed only to large businesses because they are more profitable to service than residential and small business subscribers. Deployment of advanced services is influenced primarily by the single market

factor of capital availability – access to capital and return on investment. When capital was available to the telecommunications markets, deployment rates increased. When access to this capital became limited, deployment rates decreased. Preemption of local authority has nothing to do with the deployment rates in Texas.

The industry has failed to provide any evidence that restrictions on local government authority increase deployment rates. On the contrary, limiting local government right-of-way franchise authority has increased the number of provider-caused life-threatening and property damaging right-of-way accidents, and increased the costs of protecting the public safety, health and welfare. In this time of national emergency, local governments need more, not less right-of-way management authority. The Commission has no evidence that deployment of advanced services has accelerated in states where local government authority has been preempted. The Commission should not accept such a failed premise as appropriate national policy.

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The Texas Coalition of Cities for Utility Issues (“TCCFUI”) is a coalition of more than 110 Texas Cities dedicated to protecting and supporting the interests of the Citizens and Cities of Texas.¹ TCCFUI monitors the activities of the Texas Legislature, Public Utility Commission, Rail Road Commission and the Federal Communications Commission. TCCFUI also provides

¹ The members of TCCFUI include the following Texas cities: Abernathy, Addison, Alamo, Allen, Andrews, Arlington, Austin, Balcones Heights, Belton, Big Spring, Bowie, Breckenridge, Brenham, Brookside Village, Brownfield, Brownwood, Buffalo, Burkburnett, Canyon, Carrollton, Cedar Hill, Center, Cisco, City of Ralls, City of Timpson, Clear Lake Shores, Cleburne, College Station, Conroe, Corpus Chrisit, Cottonwood Shores, Crockett, Dallas, Denison, Dickinson, El Lago, Electra, Fairview, Flower Mound, Fort Worth, Fredericksburg, Friendswood, Georgetown, Grand Prairie, Grapevine, Greenville, Gregory, Groves, Harlingen, Henrietta, Hewitt, Huntsville, Irving, Jacinto City, Jamaica Beach, Kilgore, La Grange, La Joya, Lampasas, Lancaster, Laredo, League City, Levelland, Lewisville, Longview, Los Fresnos, McAllen, Mexia, Midlothian, Missouri City, Navasota, Nolanville, North Richland Hills, Palacios, Pampa, Paris, Pearsall, Plainview, Plano, Port Neches, Ralls, Refugio, Reno, Richardson, River Oaks, Rosenberg, San Marcos, San Saba, Selma, Seminole, Seymour, Smithville, Snyder, South Padre Island, Spearman, Stephenville, Sugar Land, Sunset Valley, Taylor Lake Village, Terrell, The Colony, Thompsons, Timpson, Town of Westlake, Trophy Club, Tyler, University Park, Victoria, Waxahachie, and Webster.

franchising expertise and model franchise documents to member cities, and ensures that the citizens of Texas continue to enjoy quality utility and cable service.

TCCFUI hereby responds to the comments submitted by the telecommunications industry asking that local government authority over the public rights-of-way be further restricted by the Federal Communications Commission (the “Commission”). TCCFUI disputes the suggestion by certain telecommunications companies that further preemption or restriction of local government right-of-way authority will speed deployment of advanced services to all Americans.² The local government preemption restrictions asked for by some commentators have not increased deployment of advanced services.³

² Adelphia Business Solutions (“ABS”) Comments; Global Crossing Comments; Global Photon Systems Comments; Metromedia Fiber Network (“MFN”) Comments; and Qwest Comments.

³ In 1999, the Texas Legislature enacted House Bill 1777 (“HB 1777”). The primary purpose of HB 1777 was to limit the compensation that Texas local government could charge for use and occupation of the public rights-of-way, but HB 1777 also restricted local government authority in other important ways. HB 1777 made voidable all existing franchise agreements. HB 1777 restricted the power of Texas local governments to require telecommunications providers to: obtain franchise agreements to occupy public rights-of-way; build-out entire communities or otherwise prevent “cherry-picking” by telecommunications providers; build facilities to or provide service to public schools, higher educational facilities, community centers, and government buildings as a condition of using and occupying the public rights-of-way; compensate local governments for the administrative costs of processing right-of-way permits and inspecting facility emplacement and construction within the public rights-of-way; and obtain local approval prior to transferring management and operation of communications facilities located within local rights-of-way. Tex. Local Govt. Code §§ 283.052(a), 283.056(a), 283.056(c), and 283.056(f).

Texas municipalities did retain right-of-way management authority to require: permits; registration of right-of-way occupants; maps of facilities placed in the right-of-way, insurance; performance guarantees; joint trenching; location of other facilities prior to commencing right-of-way construction; limitation hours of construction; compliance with noise abatement, dust and disposal of construction material regulations; management of traffic disruption; construction methods for street cuts and restoration; and standards for restoration of the public rights-of-way. However, municipalities may not recover compensation from providers for the costs of enforcing these protective regulations.

In Texas, with the passage of HB 1777 in 1999, local governments no longer have right-of-way franchising authority. These restrictions have not led to greater availability of advanced services of the majority of Texas residents. There is no rational basis or evidence to support further restricting the authority of local governments to manage and require compensation for use and occupation of the public rights-of-way. The evidence demonstrates that the majority of Texans – regardless of whether they live in urban areas, affluent suburbs, rural areas, or economically depressed or disadvantaged areas – have not seen substantial gains in deployment of advanced services since passage of HB 1777.⁴ If delays in deployment were actually caused by local government regulation, then the period since preemption of local government regulation in Texas should have produced quantifiable gains in deployment of advanced services to all Texans.

Restrictions on local government authority have not changed the rate of deployment of advanced services to Texans because deployment of advanced services is controlled primarily by other market factors – access to capital investment funds and return on investment in facilities. When the telecommunications capital markets were booming, deployment rates increased. When access to capital became limited, deployment rates decreased.⁵

The industry has failed to provide any evidence that restrictions on local government authority increase deployment rates.⁶ On the contrary, limiting local government right-of-way franchise authority has increased the number of provider-caused life-threatening and property damaging right-of-way accidents, and increased the costs of protecting the public safety, health

⁴ Plano Comments at 1, Exh. A and B.

⁵ ABS Comments at 7-8.

⁶ *See, e.g.*, ABS Comments. ABS operates in Texas, but did not provide any evidence demonstrating that it had deployed a greater number of advanced services as a result of preemption of Texas local government right-of-way compensation authority.

and welfare. In this time of national emergency, local governments need more, not less right-of-way management authority. Until the Commission has evidence that deployment of advanced services has accelerated in states where local government authority has been preempted, the Commission should reject such a failed premise as a national policy.

I. PREEMPTION OF LOCAL GOVERNMENT RIGHT-OF-WAY FRANCHISE AUTHORITY HAS NOT INCREASED DEPLOYMENT OF ADVANCED SERVICES.

Texas is a paradigm of industry efforts to preempt local government right-of-way franchise authority. Texas is the third most populous state in America and was one of the first states to restrict local government right-of-way franchise authority. By examining what has occurred in Texas since passage of HB 1777, the Commission can objectively evaluate whether preemption of local government regulatory authority has improved deployment of advanced services. As these reply comments demonstrate, the Texas experience is proof-positive that preemption of local authority does not result in accelerated deployment of advanced service.

According to the Public Utilities Commission of Texas (“PUC”) report on advanced services cited by the PUC in its comments,⁷ 16.5% of Texas communities have advanced service and 36.1% have high-speed service.⁸ However, 47.3%, almost half of all Texas

⁷ PUC Comments at 1. Public Utilities Commission of Texas, Report to the 77th Texas Legislature: Availability of Advances Services in Rural and High Cost Areas (Jan. 2001), available at <http://www.puc.state.tx.us/telecomm/reports/index.cfm> (“PUC 2001 Adv. Serv. Rept.”).

⁸ The Commission defines “advanced services” as high-speed broadband services, *i.e.*, infrastructure capable of delivering 200 kilobits per second (Kbps) in one or both directions. Federal Communications Commission, *Deployment of Advanced Services: Second Report and Order*, CC Docket No. 98-146, 15 FCC Rcd. 20913 at ¶¶ 10-11 (2000) (“Second Advanced Services Report”). “High-speed” is defined as 200 Kbps in at least one direction; “advanced services infrastructure” is defined as capable of 200 Kbps in both directions. *Id.*

communities, do not have either high-speed or advanced services.⁹ By contrast, the Commission reported that by December 2001, 75% of all U.S. zip codes had high-speed service.¹⁰

Where local right-of-way franchise authority has been preempted, Texas communities still do not have access to advanced services. Missouri City, Texas, a fast growing community near Houston, Texas, cannot find a telecommunications company willing to provide high-speed or advanced service to the City or its residents.¹¹ Under HB 1777, Missouri City cannot impose or require many of the right-of-way management requirements that commentators have asked to have preempted. Yet deployment of advanced services still has not reached Missouri City.

A. Preemption of local authority has not increased deployment of advanced telecommunications services to the majority of Americans, *i.e.*, residential or small business customers.

Elimination of local franchising requirements may have actually encouraged CLEC “cherry-picking” and discouraged full deployment throughout communities. The vast majority of Texans do not have advanced services. In the experience of TCCFUI members, competitive providers do not attempt to serve entire communities. Rather, competitive providers attempt to serve the same small, lucrative subset – *i.e.*, large office buildings and corporate complexes.

- Attachment A is map of AT&T Broadband’s proposed cable modem service routes for Plano, Texas. Portions of the map without hatchette marks are sections of Plano in which

⁹ This information is based on survey responses collected between March and April 2000. 2001 PUCT Adv. Serv. Rept. at Appendix K.

¹⁰ It is difficult to compare the availability of advanced and high-speed service on a national level. The Commission collects data by zip code and does not report what percentage of zip codes or states have advanced service compared to high-speed or slower service. TCCFUI agrees with the Comments of Plano, TX that zip code data collection creates unreliable statistics, since a zip code will be considered to have advanced service if only one business subscriber has a T-1 line, while all surrounding residents in the same zip code have only 28 Kbps dial-up modem service.

¹¹ Attachment A, Declaration of Sandra Stanley.

AT&T does not plan to offer high-speed cable modem service to the entire community. AT&T Broadband is planning to provide high-speed service to the large businesses that lie along the community's major rights-of-way.¹² But as the map demonstrates, significant numbers of Plano residents will not be able to receive high-speed cable modem service within any reasonable period of time.

- The Commission reports that by zip code, most Plano, Texas residents have a choice of 7 to 10 high-speed service providers.¹³ Yet the Plano, Texas Comments reported that almost 40% of Plano residents could not receive high-speed service.¹⁴

The evidence demonstrates that advanced and high-speed services are still not likely to be deployed to all Americans in a reasonable and timely fashion. The elimination of local government requirements has not changed this reality. Residential and small business customers are not likely to have access to high-speed or advanced services.

B. Eliminating or restricting local government authority to require compensation for use of the public rights-of-way does not speed the deployment of advanced services

The industry commentators are looking for a free lunch. They want to improve their profitability by obtaining free use of millions of miles of taxpayer-owned property. The

¹² See also Plano, TX Comments at Exhibit A. One Plano resident stated: "DSL and Cable are NOT available in my area from any vendor!! Cable and DSL are available 2 blocks from my home. I have been trying to get Cable Modem or DSL for over 3 years....."

¹³ Federal Communications Commission, *High-Speed Service Providers As of 6/30/01 [Number of High-Speed Service Holding Companies By Zip Code]*, pp. 368-369 [TX Zip Codes 75023 (9), 75024 (9), 75025(7), 75074 (10), 75075 (10), 75093 (8), 75094 (4)], available at http://www.fcc.gov/Bureaus/Common_Carrier/Reports/FCC-State_Link/comp.html.

¹⁴ Plano, TX Comments at 1. Anecdotal evidence supports the same conclusion – residential customers do not have access to high-speed service. Plano, TX Comments at Exhibit B. One Plano resident stated: "My husband and I live in Los Rios Park, an apartment complex on 14th Street. We would very much like to get either DSL or cable modem. I have called Verizon, SWBell, and AT&T and none of these companies can provide high-speed internet service here...."

experience of many TCCFUI members has been that where the state has limited right-of-way compensation, providers will attempt to avoid paying even this limited compensation for use and occupation of public rights-of-way. TCCFUI supports and adopts the Reply Comments of New Carrollton, Texas in opposition to the Comments of MFN. MFN's Comments are an example of the kinds of misrepresentations telecommunications providers will make in an effort to reduce the amount of compensation they must pay.

C. Broadband deployment is dependant on access to capital financing, not the absence of local regulation.

The largest barrier to entry is not local regulation – it is lack of access to capital financing. As Adelphia Business Solutions (“ABS”) commented: “While revenues were limited, and profits non-existent, CLECs were able to continue their forward progress because of the confidence placed in them by the financial markets, and the capital that such investment provider for facilitates construction. Now that bubble has burst.”¹⁵ ABS noted that CLEC capitalization reached its pinnacle in March 2000.¹⁶ The Commission's most recent high-speed services data supports ABS' claim. Between December 1999 and December 2000, the number of high-speed service lines grew by 158% and advanced services lines grew by 118%. In the latter half of 2000, between June 2000 and December 2000, rate of deployment slowed. High-speed service lines grew by only 63% and advanced service lines by 51%.¹⁷ The declining deployment rate of advanced services has no correlation with local right-of-way management regulations and further attempts to restrict local right-of-way authority will not reverse the declining deployment rates.

¹⁵ Adelphia Business Solution (“ABS”) at 6-7.

¹⁶ ABS Comments at 1.

¹⁷ Federal Communications Commission, *High-Speed Services For Internet Access: Subscribership As of December 31, 2000*, Tables 2 & 3 (Aug. 9, 2001) (available at <http://www.fcc.gov/ccb/stats>).

Furthermore, as ABS noted, as of June 1, 2001, fifteen CLECs had filed for bankruptcy protection. For local governments, this means that fifteen bankrupt providers now have facilities located in the public rights-of-way, facilities whose location may or may not have been reported to state and local authorities, and facilities whose ownership and control is now uncertain. These bankrupt providers may have customers – which may include government and public schools – who may or may not be receiving service. Further limiting local right-of-way authority will not reverse these bankruptcies.

II. FURTHER PREEMPTION OF LOCAL RIGHT-OF-WAY MANAGEMENT AUTHORITY WILL EXACERBATE THE NATIONAL EMERGENCY AND FURTHER THREATENS PUBLIC SAFETY.

A. Efforts to preempt local government authority threaten to exacerbate right-of-way-related problems for Texas local governments.

TCCFUI opposes suggestions by commentators to revisit the Right-Of-Way Notice of Inquiry.¹⁸ As demonstrated in Section I, there is no evidence that restrictions on local government right-of-way franchise authority facilitate deployment of advanced services to all Americans. Second, scarce municipal resources that could otherwise be spent developing strategies and partnerships to encourage broadband deployment, are wasted defending local governments from specious legal attacks. Third, Texas municipalities risk losing what little right-of-way franchise authority they do retain each time the Commission opens such a proceeding.

For example, under state and federal law, Texas municipalities can require as-built map from providers, which illustrate exactly where facilities are located within the public rights-of-

¹⁸ MFN Comments at 1, 4.

way. In the Competitive Networks NOI,¹⁹ providers have complained that mapping requirements are proprietary and not within the scope of proper right-of-way management.²⁰ Some providers are attempting to challenge as-built mapping requirements at the local level.²¹ When right-of-way accidents occur, local officials need to know exactly where facilities are located.

¹⁹ Federal Communications Commission, *In the Matter Promotion of Competitive Networks in Local Telecommunications Markets*, CC Docket No. 96-98, *Wireless Communications Association International, Inc. Petition for Rulemaking to Amend Section 1.4000 of the Commission's Rules to Preempt Restrictions on Subscriber Premises Reception or Transmission Antennas Designed to Provide Fixed Wireless Services*, CC Docket No. 88-57, *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 Review of Section 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network*, WT Docket No. 99-217 (filed Jan. 22, 2001).

²⁰ SBC Communications Comments at 7, *In the Matter of Promotion of Competitive Networks in Local Telecommunications*, WT Docket No. 99-217, *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98, Joint Comments of the National Association of Counties, the United States Conference of Mayors, the National Association of Telecommunications Officers and Advisors, the Texas Coalition of Cities on Franchised Utility Issues, Protect, the City of Dearborn, Michigan, the District of Columbia Office of Cable Television and Telecommunications, Montgomery County, Maryland, Prince George's County, Maryland, the City of St. Louis, Missouri, and the City and County of San Francisco (filed Oct. 12, 1999); *In the Matter of Promotion of Competitive Networks in Local Telecommunications*, WT Docket No. 99-217, *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98, Joint Reply Comments of the National Association of Counties, the United States Conference of Mayors, the National Association of Telecommunications Officers and Advisors, the Texas Coalition of Cities on Franchised Utility Issues, Protect, the City of Dearborn, Michigan, the District of Columbia Office of Cable Television and Telecommunications, Montgomery County, Maryland, Prince George's County, Maryland, the City of St. Louis, Missouri, the City and County of San Francisco, and the City of Indianapolis, Indiana (filed Dec. 14, 1999).

²¹ Texas providers have argued against municipal right-of-way managed ordinance mapping requirements. For example, such challenges have been raised during public hearings in Irving, Dallas, Carrollton, and Plano, Texas.

1. Texas local governments need more, not less right-of-way authority.

a. Local government authority to impose strong penalties could reduce right-of-way accidents.

With so many facilities located within the public rights-of-way, and so many new entrants seeking access, the potential for life-threatening accidents is greater than ever. In the last few years, there have been several major telecommunications provider-related accidents within the Texas public rights-of-way.

- A contractor laying fiber optic cable for SWBT dug into a 2-inch diameter gas main in Harris County (outside Houston). The resulting explosion destroyed one home, badly damaged another, and forced evacuation of 25 other homes when gas entered the sewer lines. Multiple fire crews were required. Damage was estimated at \$600,000.²²
- A contractor putting in a fiber-optic duct system drilled into a 33-inch diameter pressurized sewer line. The spill lasted 9 hours, sent 4.3 million gallons of sewage downstream creating the worst environmental spill in Plano (near Dallas) history. Twenty municipal workers worked through the night to repair the damage and sewage pump stations had to be shut down to repair the damage.²³
- A construction crew installing fiber-optic cable in downtown Dallas hit a 32-inch diameter water main buried 32 feet beneath the street. The force of the water created a 50-foot gash in the sidewalks, and 20 million gallons of water flowed for four hours, flooding the basements of four buildings before the break could be contained. The flooding destroyed electrical boxes, motors that run air conditioning and pump water, elevators, carpeting and

²² Attachment C, S.K. Bardwell, *Gas Explosion Destroys Home, Forces Evacuation*, Houston Chronicle, Nov. 3, 2000, at A35.

30 to 40 cars. Eight hundred federal employees and residents of a 205-unit apartment building could not return to their offices or homes for several days.²⁴ If the incident had not occurred on a holiday, workers in basement offices could have been killed.

- A contractor installing underground conduit severed a SWBT telephone line, cutting off telephone service, including emergency 911 service for 3,600 Arlington, Texas (near Dallas) residents.²⁵ Surrounding merchants could not make credit card sales during the phone outage.²⁶
- Over a two-week period, sub-contractors for Touch America cut through two water lines and three gas lines in Flower Mound, Texas. Forty people were evacuated, residents were without water for seven hours, flooding occurred for four hours, and traffic had to be diverted. Municipal utility crews worked through-out the night to repair damage.²⁷
- A private contractor doing fiber optic work drilled into a 4-foot diameter water pipe shutting down one of Irving, Texas's (Dallas suburb) primary water mains.²⁸
- Fiber optic installation contractors caused \$204,440 worth of damage to Plano, Texas water and sewer facilities between 1998 and 2001.²⁹

²³ Attachment D, Wendy Hundley, *Plano Creek Cleaned After Sewage Spill*, Dallas Morning News, Oct. 14, 2000, at A37.

²⁴ Attachment E, Ian McCann & Steve Quinn, *Water Mains Flood Downtown*, Dallas Morning News, Sept. 5, 2000, at A1

²⁵ Attachment F, Rani Cher Monson & Melissa Borden, *3,600 Lose Emergency Phone Service*, Arlington Morning News, July 16, 1999, at A1.

²⁶ Attachment G, Jeff Prince, *Telephone Outage Jangles Commerce*, Star-Telegram, July 17, 1999, at A1.

²⁷ Attachment H, Jason Lamers, *Latest Gas Line Break Adds to Woes*, Dallas Morning News Insert, Summer, 1999 at A1.

²⁸ Attachment I, Rachel Horton, *City Urges Water Conservation After Water Line Slashed*, Irving News, July 11-14, 1999, at A1.

²⁹ Attachment J, *Damages from Contractor Installing Fiber Optic Cable*, Plano, Texas.

- A SWBT contractor bored into an 8-inch diameter water main at Crowley Road and Westwood Drive in the City of Arlington, Texas, causing \$41,284 in damages.³⁰
- A Level 3 Communications' contractor bored under West Street in the vicinity of the Union Pacific Railroad in the City of Arlington, Texas. Immediately after the boring began, West Street began to shift and crack due to the boring operations. The City was required to expend \$84,957 to repair the damage to West Street.³¹

Right-of-way accidents could be reduced if local governments had adequate authority: to properly manage the public rights-of-way; to enforce inspections and penalties for safety violations; to evaluate the experience and safety procedures of construction contractor crews on-site; and to impose appropriate insurance and restoration requirements with incentives for safe performance.

b. Preemption of local right-of-way management has increased public safety costs for Texas residents.

Under Texas state law, municipalities may not charge telecommunications companies inspection or permit fees. However, a single right-of-way accident could result in hundreds of millions of dollars worth of damages, or worse – loss of life. Some TCCFUI members have diverted? money within their budgets from other local government services to pay for increased inspection. This money that is allocated towards inspecting private companies using and occupying the public rights-of-way is money that cannot be spent on additional fire, police, and other municipal services. Some commentators are now asking the Commission to limit

³⁰ September of 1998: Cause No. 96-187697-01, filed in the 96th Texas Judicial District Court on May 21, 2001.

³¹ April 11, 2000: Settlement Agreement was authorized by City of Arlington Resolution No. 00-185.

inspections.³² TCCFUI believes such action by the Commission is legally impermissible under 47 U.S.C. § 253(c). And it would force municipal taxpayers as a whole to shoulder even more of the cost to public safety caused by telecommunications providers and their customers.

2. Right-of-way management authority must remain at the local level.

There is no one-size-fits-all solution for right-of-way management.³³ Within Texas, it is impossible to specify appropriate uniform right-of-way construction standards. For example, in Houston, the water table is very high, whereas in El Paso, the ground is solid bedrock. Line burial construction requirements must vary throughout the state. Local officials with knowledge of unique local conditions are an integral part of effective right-of-way management.

B. Now is not the time limit local government right-of-way management authority.

New York City officials needed to know what telecommunications facilities were buried on top of gas mains at the World Trade Center complex. Texas municipalities, like many others, must be prepared for manmade and natural disasters, accidents and emergencies. Hurricanes, tornadoes, floods, fire, and storm damage regularly occur and require local government officials to shut off gas, electrical, and water mains to prevent further loss of life and property damage.

In emergencies, local governments need to know what company controls individual components of network facilities and access points within public rights-of-way to restore vital services, including communications, as fast as possible. The suggestion of Global Photon Systems that the events of September 11 provide a greater rationale to *further limit* local right-of-way management is just absurd.³⁴ When ownership or control of facilities are transferred, local

³² MFN Comments at 5.

³³ This is consistent with the findings and comments of PUCT. PUCT Comments at 5, citing Second Advanced Services Report at ¶ 248.

³⁴ See Global Photon Systems Comments at 9-10.

governments need to know that the transferee is a competent and capable company willing to fully comply with local requirements, with local personnel who can be counted on to assist public officials in an emergency.

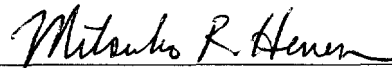
Furthermore, in Texas, as in other places, troop mobilization and population evacuation may be necessary. Local governments need the ability to control and restrict right-of-way excavation and construction along evacuation routes and major traffic corridors. Texas local governments must be able to retain control of the construction permitting process, to restrict the duration of closures of major traffic arteries, to require reporting of facilities, to limit right-of-way and traffic disruption by requiring joint trenching, and to ensure that roads are properly restored. At a time when all units of government, and all Americans, are working together to protect the public safety, the Commission should not drain precious public resources away from disaster and emergency preparedness by requiring local governments to defend lawful and sound right-of-way management procedures.

III. CONCLUSION

Providers have failed to deploy advanced services to residential customers. They appear to choose to serve only the most lucrative corporate customers. There is no evidence that preemption and restriction of local government authority to regulate, manage, and to receive fair and reasonable compensation for the occupation of valuable public rights-of-way has slowed the deployment of advanced services or altered CLEC investment strategies. On the other hand, preemption of local government right-of-way authority has increased the costs of operating government, increased the cost of providing public safety services, and increased both the risk and actual occurrence of both life-threatening and property-damaging provider-caused accidents. The Texas preemptions should not be duplicated on a national scale. During this time of national

emergency, when local governments must work with other agencies to provide homeland defense, the Federal Communications Commission should not work against us. Taking real estate without compensation will certainly increase corporate profits of the CLECs. But it does so at the expense of taxpayer welfare and public safety. The Commission should require the industry to serve all financially viable consumers, not just the lucrative few. And the Commission should put a stop to provider efforts to make local right-of-way management a scapegoat for unrelated investment decisions that are slowing deployment of advanced telecommunications to all Americans.

Respectfully submitted,



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- C S.K. Bardwell, *Gas Explosion Destroys Home, Forces Evacuation*, Houston Chronicle, Nov. 3, 2000, at A35.
- D Wendy Hundley, *Plano Creek Cleaned After Sewage Spill*, Dallas Morning News, Oct. 14, 2000 at A37.
- E Ian McCann & Steve Quinn, *Water Mains Flood Downtown*, Dallas Morning News, Sept. 5, 2000 at A1.
- F Rani Cher Monson & Melissa Borden, *3,6000 Lose Emergency Phone Service*, Arlington Morning News, July 16, 1999, at A1
- G Jeff Prince, *Telephone Outage Jangles Commerce*, Star-Telegram, July 17, 1999, at A1.
- H Jason Lamers, *Latest Gas Line Break Adds to Woes*, Dallas Morning News Insert, Summer, 1999 at A1.
- I Rachel Horton, *City Urges Water Conservation After Water Line Slashed*, Irving News, July 11-14, 1999, at A1.
- J Damages from Contractor Installing Fiber Optic Cable, Plano, Texas

ATTACHMENT A
ATTACHED AT BACK

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
)

Inquiry Concerning the Deployment of)
Advanced Telecommunications Capability to)
All Americans in a Reasonably Timely)
Fashion, and Possible Steps to Accelerate)
Such Deployment Pursuant to Section 706 of)
the Telecommunications Act of 1996)
_____)

CC Docket No. 98-146

**DECLARATION OF SANDRA STANLEY
IN SUPPORT OF THE REPLY COMMENTS OF
THE TEXAS COALITION OF CITIES FOR UTILITY ISSUES ("TCCFUI")**

I, Sandra Stanley declare as follows:

1. I submit this Declaration in support of the Reply Comments of Texas Coalition of Cities For Utility Issues ("TCCFUI"). I am fully competent to testify to the facts set forth herein, and if called as witness, would testify to them.
2. I am the Director of Management Information Systems for the City of Missouri City, Texas. I have held that position for 6 years and I have 23 years of experience working with local government computer systems. I am directly responsible for the maintenance and operation of the City's computer systems, including communications between the fire stations and City's mainframe computer.
3. Missouri City, Texas is located in Fort Bend County, near Houston, and is one of the faster growing communities in the country.
4. For several years, Missouri City staff has been desperately looking for a telecommunications company that can provide broadband services internally for City so that the City can build

connectivity internally and externally for residential and commercial connectivity to the Internet. There do not seem to be any takers.

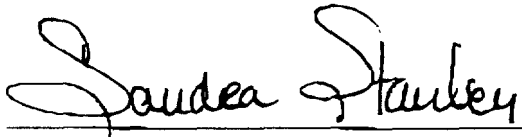
5. Missouri City certainly is not an obstacle to deployment of advance services. Lack of City high-speed, secure computer operations are at risk with the currently installed, outdated connectivity solution. The City cannot move forward with e-Gov without high speed, secure connectivity for citizens and vendors who wish to conduct business online. New commercial and residential growth in Missouri City is being thwarted by lack of connectivity that allows high speed telecommuting and online e-business transactions. Missouri City, with no utility right-of-way easements, cannot create barriers of entry for the deployment of broadband services.

6. The experience, by the staff at Missouri City, is that the lack of deployment of high-speed services (DSL and broadband) rests purely with the potential telecom vendors. It has been stated, by at least one prospective vendor, that they prepare a model to study the advantages and disadvantages of high speed deployment. If the model does not indicate a substantial monetary return, the vendor will look to another City that can provide more profit.

7. With this lack of interest by new prospective telecom vendors, Missouri City is left to live with the solutions proposed by the “only” vendor in town. The staff at Missouri City has no way of comparing other proposals in terms of technology or costs.

Verification

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on October 9, 2001, in Missouri City, Texas.



Sandra Stanley

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ATTACHMENT C

HELP ?



Gas explosion destroys home, forces evacuations

Houston Chronicle; Houston, Tex.; Nov 3, 2000; S.K. BARDWELL;

Sub Title: [3 STAR Edition]

Start Page: 35

Abstract:

The **explosion**, which caused an evacuation for about 12 hours, happened just before 9 a.m. in the 16500 block of Battlecreek near Millstone. Residents of the Copperfield subdivision said the blast could be felt at least a mile away.

Alicia Dixon, a spokeswoman for Reliant Energy, said a company doing work for Southwestern Bell was laying fiber-optic cable down the street from the [Nick Turner] home when workers apparently dug into a 2- inch gas line.

Donna Shrake, a spokeswoman for the Cypress-Fairbanks Independent School District, said no schools were affected by the **explosion**. As a precaution, she said, students were kept inside at Langham Creek High, Labay Middle and Copeland Elementary schools.

Full Text:

Copyright Houston Chronicle Publishing Company Division, The Hearst Corporation (the "Houston Chronicle") Nov 3, 2000

One home was blown off its foundation and another badly damaged by a natural gas explosion in northwest Harris County on Thursday morning.

The explosion, which caused an evacuation for about 12 hours, happened just before 9 a.m. in the 16500 block of Battlecreek near Millstone. Residents of the Copperfield subdivision said the blast could be felt at least a mile away.

The home belonged to Assistant County Attorney Nick Turner.

No one was at home when the explosion and ensuing fire occurred. Neighbors said they believed the family dog escaped the blast, although they were unsure if the cat was as lucky.

Turner, who left his office and went to the scene, could not be reached for comment.

Several people were treated for minor cuts suffered in the blast, which blew debris one block in all directions and broke windows in houses on the street.

Authorities estimated the damage at \$600,000.

Deborah Long, who lives about a mile away, said she and her husband ran outside when they felt the powerful explosion.

"We got in the car, and it was easy to find," Long said. "We just drove toward this plume of thick, black smoke that was going up."

Alicia Dixon, a spokeswoman for Reliant Energy, said a company doing work for Southwestern Bell was laying fiber-optic cable down the street from the Turner home when workers apparently dug into a 2-inch gas line.

Firefighters said the gas traveled down the line until it found a source of ignition at the Turner home.

Flames still burned from the home's foundation late in the afternoon as Reliant crews worked to cut off the gas flow feeding the fire. Dixon said that, in order to prevent further explosions, firefighters had to let the fire burn until the gas could be stopped.

The gas was cut off about 3:30 p.m., leaving about 30 customers without service, Dixon said. She said service is expected to return sometime today.

Many surrounding fire departments, including Houston's, sent engines to assist the Cy-Fair Volunteer Fire Department in controlling the fire and evacuating the area.

About 25 families were initially asked to leave the area after it was discovered that gas had entered sewer lines and other homes in the area.

Some of those leaving their homes, like Deborah Long, reported their toilets began gurgling and bubbling and that the smell of gas filled their homes.

"They didn't even have to come tell me," Long said. "I didn't want to be there. I took the dog and got out. I'm just glad I didn't light a cigarette. God knows I could have used one."

The evacuation area was expanded later to encompass about three-quarters of the densely populated subdivision, said Cy-Fair firefighter Raymond Holley.

Officials allowed most evacuees to return to their homes by 6 p.m., and those living adjacent to the explosion site were allowed to return beginning at 9 p.m.

Cornerstone United Methodist Church, at 15919 Ridge Park, opened its doors Thursday to all those who were unable to return home.

Donna Shrake, a spokeswoman for the Cypress-Fairbanks Independent School District, said no schools were affected by the explosion. As a precaution, she said, students were kept inside at Langham Creek High, Labay Middle and Copeland Elementary schools.

But Shrake said the situation became more complicated at the end of the school day, when 154 students who live in the evacuated area could not be taken home on their buses.

Shrake said school personnel stayed with the children at each campus until parents could come for them.

[Illustration]

Map: Site of explosion that destroyed house on Battlecreek Drive in Harris County

Credit: Staff

His trademark is handing out those little yellow smiley face stickers to the kids. Children of frequent shoppers walk up to his wheelchair expectantly and put their hands out, palm down, to get their stickers affixed.

I was introduced to Mr. Powell by Audrey "Echo" Weir, an administrator at the Dallas Center for Housing Resources. She runs a program that provides home repair to applicants who are elderly, disabled or scraping by on low incomes. Mr. Powell qualifies on all three counts, but she had to badger him to accept help.

"He keeps saying there might be someone out there who needs it more," she said.

They met when Mr. Powell called and asked hesitantly, even apologetically, whether he might get some help with a leaky roof. Rain was pouring into the house.

And he was grateful almost to tears this week when Mrs. Weir presented him with a used stereo cassette player she rounded up someplace. Mr. Powell, who was a Church of Christ minister for 32 years, loves classical and symphonic music and knows a half-dozen operas by heart (he just shrugs at the irony of a symphony fan embracing a denomination that bars the use of instrumental music during services).

Scholar and a gentleman

He is also a Bible scholar specializing in ancient languages -- he has studied and taught the Scriptures in Greek and Hebrew -- and has a library of thousands of religious books, all packed in cartons because there's no place in his cramped house to shelve them.

All of which might seem to make him a tad overqualified as a door greeter, but he doesn't care. When I mentioned his name to the lady answering the phone at the Wal-Mart, she exclaimed spontaneously, "He is so sweet!"

The Mesquite store is a behemoth even by Wal-Mart standards. Mr. Powell estimates it's a quarter-mile round trip from his post at the front door to the time clock where he has to punch in, and on days when he isn't feeling well, it's an exhausting excursion.

Mrs. Weir has found somebody to donate a motorized scooter for him to use, and I suppose she'll have to argue him into accepting it, but she's pretty insistent. She knows Mr. Powell will do what it takes to keep working.

With an ordinary and workaday job, his academic and ministerial careers long behind him, Mr. Powell still seems to be teaching by example some underrated but crucial lessons:

When the going gets tough, you get up and go to work anyway. If you feel lousy, pretending you feel great can actually make you better. Kindness has a boomerang effect.

Still a pretty good preacher, if you ask me.

Jacquelynne Floyd can be reached at 14-977-8065 or jfloyd@dallasnews.com.

Hitching the Clydesdales is a show

By Kim Horner

Staff Writer of The Dallas Morning News

During the day, Chuck, Bruce, Duke and the rest of the guys hang out, eating pounds of hay, taking walks and posing for admirers who snap their photos.

But by 5 p.m., it's time to stop horsing around.

That's when the Budweiser Clydesdales' team of seven handlers start primping the famous geldings for the nightly Starlight Parade at the State Fair of Texas.

First, the groomers brush, massage and clean the horses with the characteristic white feathering around their legs and feet. To do that, they must stand on benches to reach the top of the roughly 2,000-pound animals, which are about 6



The Dallas Morning News: Barbara Davidson

Groomers brush, massage and clean the characteristic white feathering around the horse's legs and feet.

feet tall at the shoulders.

The crew spends about 45 minutes braiding each horse's mane by

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Plano creek cleaned after sewage spill

Officials say incident poses no health risk

By Wendy Hundley

Plano Bureau of The Dallas Morning News

PLANO — Plano workers spent Friday cleaning dead fish from Spring Creek after more than 4 million gallons of raw sewage seeped into the waterway in what has been called the city's worst environmental spill.

"In my 21 years, it's the worst," said Mike Rapplean, Plano's public works operations manager. "It's one of our deepest, darkest nightmares."

Despite the size of the spill, officials said that it did not affect the city's water supply and that there was no risk to public health.

The incident started about 4 p.m. Thursday when a contractor accidentally drilled into a 33-inch, pressurized sewer line in the 500 block of Accent Drive, near the intersection of North Central Ex-



The Dallas Morning News: Richard Michael Pruitt

Jerry Allen, pre-treatment coordinator for the North Texas Municipal Water District, measures the oxygen in Spring Creek with an oxygen meter.

pressway and State Highway 190.

"They were putting in a fiber-optic duct system and got too close to the sewer main," Mr. Rapplean said.

City officials would not release the name of the contractor.

The spill lasted for approximately nine hours, sending an estimated 4.3 million gallons downstream

Please see PLANO on Page 44A.

Garcia again f

By Frank Trejo

Staff Writer of The Dallas Morning News

The race for the District seat pits incumbent against his frequent F Ousley Weddell.

Mr. Garcia, who is state Legislature, has two previous elections.

But Mr. Weddell said he has the charm, especially ticket, Gov. George W.

Undres

Arts groups decl

By David Flick

Staff Writer of The Dallas Morning News

The problem is not, N Ula Girl is too ooh la la.

The Texas Discovery C is executive director, rece: 64-year-old gilded plastic have fit into the organization "It really wouldn't be

October 14, 2000

He while he work to his great nephew, a developer in Albuquerque, N.M.

Mr. Jackson chuckled when asked his artistic assessment of Ula Girl.

"I'm prejudiced, but I think she's art," he said. "She's from the '30s, of course. Her figure is pretty full. If she were alive, she could play linebacker for the Dallas Cowboys."

Mr. Jackson had a bronze copy cast, which he placed in a pond in his front yard. He said he plans to have four more copies made and intends to sell them, perhaps with the proceeds going to benefit the State Fair of Texas.

Early last summer, he said, he offered the original to the

success.

"At this point, I'm sort of attached to her," he said. "She's become sort of an office totem."

He said that although he is no longer actively looking, he would give Ula Girl to an appropriate custodian.

"If we can find someone who will give her a good home, where she'll be publicly displayed and not sit out in the rain, she may go there," he said. "Barring that, she'll stay here."

Mr. Graham said he regrets he cannot help.

"I'd take her home with me," he said, "but I'm a married man."

guidelines outlined in the Texas Education Code.

Although the six-week sentence ended Sept. 22, the matter is now in the court system. Attorneys for both sides are awaiting a ruling from a state district judge on whether she has jurisdiction in the case.

In the Hurst-Euless-Bedford school district, two eighth-grade girls at Euless Junior High School served detention in

Plano creek cleaned after sewage spill kills fish

Continued from Page 37A.

from the intersection into Spring Creek and Rowlett Creek. The spill killed fish in a roughly half-mile path from Accent Drive to Renner Road.

About 20 workers from Plano and the North Texas Municipal Water District worked through the night to repair the damage. Plano officials reported the spill to officials in neighboring cities but said it was doubtful that those cities would be affected.

A lift station, which pumps sewage uphill, had to be shut down so the damaged pipeline could be repaired, Mr.

Rapplean said. While the station was shut down, he said, sewage continued "boiling" out of a manhole near the creek for several hours.

Potable water was piped into the creeks to try to dilute the contamination.

He said fish died from lack of oxygen in the water but he couldn't estimate the size of the fish kill.

He said the cleanup operation was expected to be completed Friday.

The Texas Natural Resource Conservation Commission was taking water samples in four different locations around the site of the spill on Friday,

said Steve Berry, Plano's environmental health manager.

While it was too soon to know the results of those tests, he said the spill did not contaminate Plano's water supply, which comes mostly from Lake Lavon.

"This is not impacting the drinking water," Mr. Berry said. City officials do not anticipate any other environmental damage to result from the spill, Mr. Rapplean said.

Mr. Rapplean could not estimate the cost of the repairs and cleanup.

Officials were still trying to determine whether the contractor was negli-

gent or was given wrong information about the location of the sewer line.

"We haven't determined if the contractor is going to have to pay for it," Mr. Rapplean said.

A similar situation occurred recently in downtown Dallas. On Labor Day, a subcontractor was drilling a horizontal hole for a fiber-optic cable line when a water main ruptured.

About 20 million gallons of water spilled out, flooding a garage and parts of two federal buildings and causing at least \$300,000 in damage.

This story also appears in the Plano Morning News.

One of Hyatt's towers at D/FW to be torn down

By Bill Lodge

Staff Writer of The Dallas Morning News

The Hyatt Regency's West Tower at Dallas/Fort Worth International Airport will be torn down next year to make room for a new hotel inside a new international terminal, officials said Friday.

Hyatt's West and East towers are the only hotel structures at the airport. They stand on opposite sides of the main road through the airport complex.

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COLLECTION DAY**

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Irving, Texas

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The Dallas Morning News

Dallas' Leading Newspaper

Dallas, Texas, Tuesday, September 5, 2000

dallasnews.com

50 Cents

Water main breaks downtown



The Dallas Morning News: Kim Rittenbach

Marin Alvarado wades through water on Young Street. A construction crew accidentally hit a 36-inch water main beneath Young on Monday afternoon. The Earle Cabell Federal Building and other buildings were flooded. Residents of the Santa Fe Terminal Lofts had to be evacuated.

Several streets, buildings flooded

By Ian McCann
and Steve Quinn

Staff Writers of The Dallas Morning News

A construction crew drilling to install fiber-optic cable struck a major downtown water line Monday afternoon, flooding streets for blocks around and inundating the basements of at least four buildings before city workers could stop the deluge.

Water gushed into the structures, including the Earle Cabell Federal Building, from underground about 4:30 p.m. and soon filled surrounding streets. In at least one place, water broke through the surface of a parking lot, creating a 50-foot gash in the pavement. One building had water erupting through broken glass doors and first-floor windows.

The water flowed for about four hours before crews were able to shut off the broken main. No injuries were reported.

Terrace W. Stewart, director of Dallas Water Utilities, said a crew from Reata Construction Corp., based in Lewisville, was drilling beneath Young Street to install fiber-optic cable when it hit the 30-inch line about 32 feet beneath the street. Reata officials could not be reached for comment Monday night.

The break was in the 1000 block of Young Street between Field and Griffin streets. Young, Wood and Jackson Streets all were flooded.

In addition to the Cabell Building, Please see WATER on Page 7A.

Water-main break floods downtown streets

Continued from Page 1A.

which had at least 6 feet of water in its basement, the A. Maceo Smith Federal Building, the Santa Fe Terminal Lofts apartment building and a vacant storage building also were flooded. At least two hours of underground parking in the 205-unit lofts building were flooded, officials and witnesses said.

"It was rising about an inch or two a minute," said Ann Cloin, 30, who lives in the lofts and lost his car in the underground parking. "There's a big drain in the bottom of the floor and it was coming up like a geyser."

Mr. Cloin said he tried to retrieve his car, but the vehicle was submerged before he got to it. He said he eventually was forced to swim out of the parking garage.

Red Cross helps

The lofts were evacuated, and residents were helped by volunteers from the American Red Cross. Dana Allen, spokeswoman for the Red Cross, said her group provided 100 meals, a dozen cases of water and a dozen cases of Gatorade.

No residents needed shelter for the evening, Ms. Allen said.

"Our main concern was that everybody had a place to stay," Ms. Allen said. "Anytime we have displaced people, we want to meet their basic needs."

C.J. Smith, spokeswoman for Capital Consultants, a Dallas-based management company that handles the lofts, said she couldn't assess damage to the building until water is pumped out of the garage.

"Then we will be able to check all of our systems, electric, elevator," she said. "Our concern was to take care of our tenants to the best of our ability."

Mr. Stewart said work to replace the main will take at least a week and will cause the stretch of Young to be closed to traffic during that time. The broken pipe is the smaller of two mains that run beneath Young; the other is a 48-inch line. The larger line was not damaged, officials said.

Mr. Stewart said he couldn't be sure about the extent of repairs needed until morning.

"We're going to come out here in daylight and see what'll happen," he said.

U.S. Attorney Paul Coggins, whose office is on the third floor of the Cabell Building, said he expects to get an update on the damage Tuesday morning.

Assistant City Manager Ramon Miguez, who oversees the water department, said the impact of the water main break was isolated.

"Some of the businesses downtown may have experienced a drop in water pressure," he said, adding that the pressure was back up by 9:30 p.m. He said City Hall was affected by low water pressure for a few hours, but there was no water damage, Mr. Miguez said.

Mr. Stewart said he was not aware of any downtown water customers losing service, but he said some businesses could report problems when they reopen Tuesday morning.

Officials with the Hyatt Regency, the Adolphus Hotel and other downtown businesses said the water-main break did not affect their businesses.

"It has not affected the hotel in any way," said Bill Babits, assistant rooms executive at the Hyatt Regency. "Everything is fully operational."

Of the four Belo Corp. operations near the flooding — *The Dallas Morning News*, WFAA, TXCN and

Dallasnews.com, — only the online division was affected, with a nearly three-hour shutdown due to a loss in water pressure to an air-conditioning system that required a shutdown of computers.

"*Dallasnews.com* experienced some technical difficulties related to the flooding and was temporarily unavailable," said site manager Gerry Barker.

'Cars were floating'

Residents of the Santa Fe Terminal Lofts, near the corner of Wood and Field streets, reported a bizarre scene as the water rushed into their parking garage.

"Cars were floating on the second floor," said Hannah Douglas, 25. "Water was coming in from underground."

Rainey Butterworth said she was relaxing in her loft when she received a call. When getting to her Toyota Celica, she said she watched as it disappeared.

"At first it was floating, then it just sank," she said. "When we went back

everything was submerged."

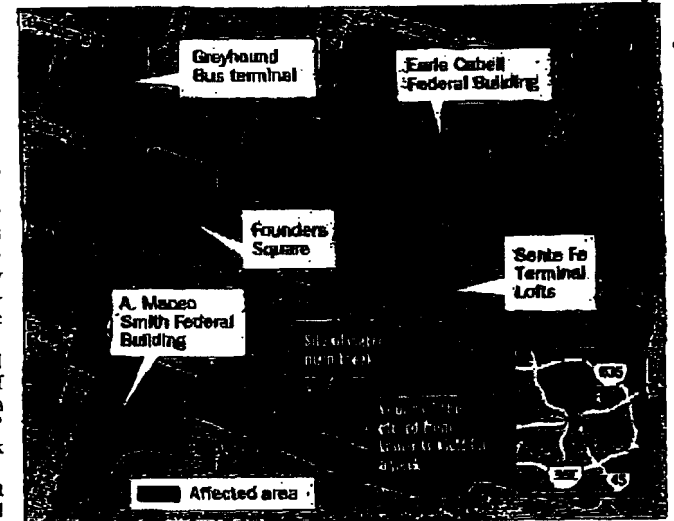
Residents estimated between that 30 and 40 cars were lost in the flooding.

Josh Whitaker, who also lives in the lofts, said he is grateful to neighbors Rick Hamilton and Phyllis Lohden for alerting firefighters about his dependence on a wheelchair. Firefighters carried Mr. Whitaker to safety and later escorted his sister, Kristi Evans, back to the apartment so she could retrieve medicine.

"The only bad thing about it was I didn't have any time get some stuff packed," he said. "They knocked on my door and said, 'Come on, let's go.' Some other people were able to pack suitcases with clothes."

Mr. Whitaker also was lucky that his Chevy pickup, specially equipped for him to do all the steering, accelerating and stopping by hand, was not affected; the vehicle sat on the unaffected third parking level.

Wimberly Cochran was another resident fortunate enough not to lose her car, but she still wondered where



she would spend the evening. She was returning home when she noticed water in the parking area and pulled her BMW into an adjacent parking lot.

"I drove in and it didn't seem like a good idea to park," she said. "I tried to

warn everybody what was happening. They looked at me like I was crazy, but sure enough there was a problem."

Staff writers Michael Saut, Kendall Anderson, Drake Wilham contributed to this report.

ATTACHMENT F

3,600 lose emergency phone service

Help sites set up in S. Arlington

By Rani Cher Monson
and Melissa Borden
Staff Writers of the
Arlington Morning News

A severed telephone line may have left more than 3,600 South Arlington businesses and some residents without access to 911 emergency service Thursday night.

The disruption — which is expected to last through Friday — was caused when a Southwestern Bell contractor cut a phone line at the intersection of Barton and Matlock roads, Southwestern Bell spokeswoman Michelle Smith said.

The affected area is near the intersection of Cooper Street and Interstate 20.

Authorities set up two command posts for emergencies and officers

were patrolling South Arlington streets. Some residents volunteered to help patrol for emergencies, officials said.

In addition, some city employees planned to patrol the streets early Friday to prevent problems and help residents, said Charles Anderson, director of the Water Department.

"We've got enough officers out on the street, so we aren't concerned about any potential problems," said Mike Zufelt, the dispatch supervisor for the police and fire departments. "Other than having the command centers set up, the rest of the best officers are just patrolling their districts."

Emergency sites have been set up at The Parks mall at South Cooper

Please see Emergency on Page 3A

Emergency service cut to customers

Continued from Page 1A

Street and I-20 and at Fire Station No. 9, 429 S. Cooper St.

City Manager Chuck Kiefer said it isn't immediately clear what impact the phone loss will have due to the use of cellular phones in the area.

"The service is expected to be out for 36 to 48 hours," Mr. Kiefer said Thursday night. "The outage area is kind of in an oval shape, with The Parks at Arlington mall being in the center."

Arlington has experienced similar phone service outages in recent years. In 1994, for example, two-thirds of the city had no phone service for most of the day.

TCI cable service may have been disrupted by the phone service outage, officials said.

By 8:30 p.m., about 300 people had reported phone service disruptions, officials said.

Mr. Zufelt said it is unclear what neighborhoods are affected by the phone outage.

"It's a possibility that one person may have phone service and their next door neighbor doesn't," he said. "So we don't really know who is affected by it."

Mayor Pro Tem Dottie Lynn said she was surprised to learn that residents could be without phone service for a couple of days.

"That's horrible," Mrs. Lynn said when she heard about the outage. "Don't we have some kind of back-up system?"

Lt. Gary Pipes, who heads the city's emergency operations center, said amateur radio operators are at the two command posts and communicating with dispatchers.

"We have increased the police presence in the area where the phones are out," Lt. Pipes said. "We have established contact posts. Amateur band radio operators are at the command posts. We have fire apparatus and police cars there."

"We will continue to have official personnel to relay information to the dispatch center to provide response."

In addition to regular patrol officers, 12 other officers were sent to patrol South Arlington, Deputy Police Chief David Pugh said.

"We have flooded the affected area and tried to beef up all of the areas affected by the outage," he said.

AMN 7/16/99

PHONES

From Page 1A

Bowen Road to the west, Matlock Road to the east, Green Oaks Boulevard to the south and Arbrogk Boulevard to the north. It includes The Parks at Arlington mall and numerous businesses near the intersection of Interstate 20 and South Cooper Street.

Although a city emergency supervisor said that some customers could be without service for 48 hours, Smith said that all service should be restored by about 9:30 p.m. today.

A contractor hired by Southwestern Bell severed the phone cable while installing underground conduit pipes to shield phone lines at the intersection of Hardin and Matlock roads, said Arlington fire Lt. Marvin Shafer.

Emergency contact posts have been established in the southwest parking lot at The Parks at Arlington, 3811 S. Cooper St., and at Arlington Fire Department Station No. 9, 4929 S. Cooper St.

A firetruck and police car will be stationed at each contact post and will accept reports of emergencies, Shafer said. "All you have to do is have a face-to-face

with them and they will take the appropriate action."

There will also be additional police patrols in the area, he said.

A phone company employee at the intersection of Hardin and Matlock roads last night said phone service was interrupted at numerous businesses along Interstate 20 and South Cooper, including some stores at The Parks at Arlington.

Stores without phone service were unable to use credit card machines, said the phone employee, who asked that his name be withheld.

Repairing the cable will be time-consuming because several thousand pairs of wires must be spliced back together, Shafer said.

"There are so many wires, you can imagine how long it's going to take to splice that back together," he said.

Emergency officials are asking residents in the area to limit their use of cellular phones.

"The biggest problem is the people using cell phones, because they have no home phone service, are clogging the lines," said fire Capt. Debbie Bradberry, who was at the contact post in the mall's parking lot last night.

Jeff Prince, (817) 548-5487

jprince@star-telegram.com

7/16/99

Cable break hits phones in part of south Arlington

By JEFF PRINCE
Star-Telegram Staff Writer

ARLINGTON — Emergency police and fire calls might have to be delivered in person by some residents in south Arlington after a phone cable was severed about 1:30 p.m. yesterday.

A large cable serving 3,600 customers was cut, although not all of them necessarily lost service, said Michelle Smith, a Southwestern Bell spokeswoman. She said the phone company had received about 400 calls from customers reporting trouble by about 9:30 p.m. yesterday.

The area affected is roughly bordered by
(More on PHONES on Page 18A)

SATURDAY, JULY 17, 1999

Telephone outage jangles commerce

Credit card sales are major victim of extended Arlington line break

By JEFF PRINCE
Star-Telegram Staff Writer

ARLINGTON — In the modern age, when phones crash, the high-tech world of retail burns.

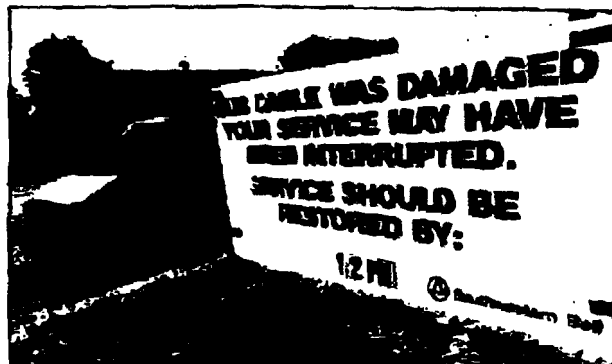
And just that happened after a severed cable knocked out phone service to about 3,600 customers in south Arlington on Thursday. Business owners were still counting lost dollars yesterday in the city's bustling retail center, near Interstate 20 and

South Cooper Street.

A contractor hired by Southwestern Bell severed a phone cable at the intersection of Burdin and Mastlock roads about 1:30 p.m. Thursday. The contractor was installing underground conduit pipes to shield phone lines.

Repairing the cable was time-consuming. Several thousand pairs of wires had to be spliced back together manually, a phone

(More on PHONES on Page 19A)



Star-Telegram/Rick Moon

This sign helped alert south Arlington telephone users about the service interruption caused by a cable break.

PHONES

From Page 1A

company official said.

Phone service was restored gradually yesterday, with complete restoration expected by late last night, said Carlos de Leon, a spokesman for Southwestern Bell.

The South Cooper retail center is in the middle of the area affected by the service disruption, roughly bordered by Bowen Road to the west, Matlock Road to the east, Green Oaks Boulevard to the south, and Arbrook Boulevard to the north.

"The biggest part of our business is with credit cards," said Zainab Saleh, manager of K.C. Mobil gas station on South Cooper Street. "It had a very big impact on our sales."

When phones go down, businesses can't accept credit cards. Some can't accept checks. Customers, meanwhile, can't get cash from automatic teller machines.

Computers become useless. Businesses become vulnerable to criminals because alarm systems are unable to dial 911. Fax machines grow quiet.

Lotto Texas is up to \$37 million, but stores without phones can't sell tickets or cash in scratch-offs.

"Phones and computers, we are totally dependent upon them," said Kay Orr, owner of Cooper Travel & Cruises.

Orr knew she was in trouble when her 12 phones, half-dozen computers and a facsimile machine died Thursday and remained down until yesterday morning.

The company normally gets about 30 or 40 calls an hour, which leads to about \$350 worth of commissions, she said.

And Orr worried that the service interruption has put her at odds with the Internal Revenue Service.

"My payroll taxes were due [Thursday] with the federal government," Orr said. "I call them in rather than fill out a report. I had to call them in [Friday]. It won't be credited until Monday. I'll be penalized for that."

Southwestern Bell prorates customers' phone bills for outages exceeding 24 hours. But some business owners said they want reimbursement for lost revenue.

FYI

for your information

To discuss problems caused by disrupted phone service, businesses may call Southwestern Bell at (800) 536-7928, and residential customers may call (800) 248-6464.

A phone company spokesman made no guarantees.

"We don't have a specific official policy of reimbursing a company for lost business as a result of phone outages," de Leon said. "But the asterisk to that is I encourage all businesses to contact their Southwestern Bell phone representative and maybe we can work together to find a solution."

Meanwhile, emergency posts for police and fire were established in the parking lot at The Parks at Arlington mall, 3811 S. Cooper St., and at Arlington Fire Department Station No. 9, 4929 S. Cooper St.

A firetruck and police car were stationed at each post to accept reports of emergencies because some residents were unable to call 911.

Emergency crews at the posts reported little activity, and the extended loss of phone service created no known problems other than financial losses and inconveniences.

And emotional distress for a teen-ager or two.

Arlington resident Jeremy Adams, 16, relies on the phone to talk with friends. A night and day without a phone was a bitter pill for Adams, who sat with friends and relatives outside his house on Pleasant Forest Street yesterday.

"He was on it the minute it came back on," said Elaine Sweeney, a friend of the boy's mother.

Adams smited from his lawn chair, a cordless phone on the ground beside him.

Adams' mother, Kim Adams, was also adversely affected. She discovered the family's phones were dead when she tried to call Sweeney.

"She went to a pay phone to call me to tell me her phones were out," Sweeney said, laughing. "She put her money in and it ate her money. So she put another 25 cents in. Now she's out 70 cents."

Jeff Pridgen, (817) 348-3467
jp@prc.com

ATTACHMENT H

avenger hunt



Michael Harvilla/Staff Photo

ingers perch atop highway signs near Lewisville Lake, watching for their next meal.

Latest gas line break adds to woes

Flower Mound accuses contractors of negligence

By JASON LAMERS

Staff writer

A disturbance has emerged in this quiet community, upsetting town officials and inconveniencing residents.

Leaving a trail of destruction along Farm-to-Market roads 2499 and 1171, sub-contractors installing communication lines have cut through two water lines, three gas lines and damaged some residential landscaping.

Working for Dynamic Cable, the contractors have been installing fiber-optic cable for the Montana-based Touch America.

Most recently, the contractors tore through a 6-foot high-pressure gas line Friday at FM 2499 and Chaparral Lane. Gas was released for more than three hours while Texas Utilities workers repaired the line.

"You're just holding your breath and waiting for the next disaster to strike," said Eric Lochelder, deputy town manager. "It's really become problematic because water in the middle of the summer is tricky enough anyways in Texas — as hot as it is. So we can't afford major town outages."

The town has not tabulated the total cost of the repairs, but Lochelder said the town could seek money from the contractors to pay for the repair costs.

"We can file claims, but I don't know to what extent we'll be successful," he said. "I hope that we intend to pursue the cost for the 16-inch line because that one was clearly marked."

The first incident occurred in early June on FM 1171 just east of the Roanoke Hill subdivision. The working crew sliced through 1,100 feet of a 4-inch water line using a vertical plow, according to town officials. The cut left Roanoke

Turn to BREAK, Page 4A

on display

exhibits fossil findings

the fossils; but hopes to have definitive answers
lland, a science, by next week. She said she will



Amanda Hawkins, a 9th-grade student at Hebron High School, looks at some of the fossils found while building the new school.

ID

ture, town
term bud-
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\$51 mil-
and \$47.4
rojects - a
7.9 million

From 1A
to become too intrusive in our students' or parents' lives. When you do that it becomes more like a 'big brother' type of situation."

Break

From 1A
Hills without water for nearly seven hours. Town utility crews worked throughout the night, replacing the line in 24 hours.

The contractors also struck two 6-inch gas lines, including one at the intersection of FM 2499 and FM 1171 and one at FM 2499 near Aberdeen Road. No fires broke out, but traffic had to be diverted and more than 40 people were evacuated.

On July 6, the workmen also managed to hit a 16-inch water line at the intersection of FM 2499 and Aberdeen Road. An undetermined amount of water was lost as it flowed for more than four hours, causing flooding in nearby neighborhoods.

The contractors also were apparently responsible for tearing through a 48-inch water supply line directly under State Highway 114, causing portions of the highway to be closed.

"They caused a very intense emergency situation here for two days," said Jack Angel, director of public works for the City of Irving.

Some local residents complained the contractors also are responsible for damages to their homes.

Greg Huckaby, spokesman for

LISD, although not subscribing to Caller ID, does have a system in place that monitors phone calls.

"Last year, after the Colorado incident, we implemented it," said Henry Crenshaw, executive director of administration. "We hope that with the knowledge

that we have Caller ID, it would deter some of the crank calls we get.

"And we do get them. We take all of them seriously and turn all of them over to the police."

Contact staff writer Michael Beachum at 972-436-3568, Ext. 123, or by e-mail at Newslead@aol.com.

TXU, said the company keeps records on gas-line breaks and indicated the company plans to bill the contractors.

"We bill the contractors so our customers don't have to bear the costs of these types of things," he said.

E.T. Crawford, job inspector for Dynamic Cable, said if the company is at fault, they will pay for the damages.

"Most of the stuff that was hit were things that were either marked incorrect or just weren't marked at all," he said. "It's just dangerous. It upsets us because we're taking a chance at maybe getting someone hurt on the job site."

Mayor Lori DeLuca said officials are inquiring to see how the town can seek damages from the contractors and bill them for the man hours involved in repairs.

"These people have caused a major disruption within our town organization as a whole and also among our residents," she said.

But Bob Milton, director of public works, said it will be difficult for town officials to determine who is responsible for the damage because there so many different sub-contractors working at once.

"I asked for a schedule and a listing of their contractors so we could stay on top of what is happening, but the company couldn't even provide a list of who's work-

ing and when they were going to work," he said. "Some of the entities have been very cooperative and some of them aren't. It's just very difficult to keep a handle on it."

Town officials said 95 percent of the town's utility failures are the result of gas, water or power lines being struck by contractors. Milton said because Touch America's contractors are running completely through the middle of Flower Mound, it is almost impossible not to hit something.

"We have so many different people working in this town, there's probably not a day that goes by where something is not hit," he said. "There's just so much growth, so much development, this is just going to happen with this much activity and this many people working."

But the surge in utility failures, he said, has taxed city staff.

"The town only has two water repair crews and one sewer repair crew, so we've been pretty well exhausted," Milton said. "It's been a nightmare. We haven't stopped running since they came to town."

Contact staff writer Jason Lamers at 972-436-3568, Ext. 122, or by e-mail at Newslead@aol.com.

LEWISVILLE WESTERN WEEK

MAIN EVENT

City urges conservation after water line slashed

By RACHEL HORTON
News Staff Writer

City officials urged Irving water users to temporarily continue all outside watering through Sunday after one of the city's main water supply lines was shut down today.

The 4-foot-diameter pipe, which feeds about half the treated water to the MacArthur Pump Station from the city's main water supply line, was damaged when a fiber-optic contractor drilled a hole in it Thursday morning, city officials said.

A private contractor doing fiber optic work was boring a hole for (State Highway) 114, and they hit our water line,"

David Ryburn, assistant public works director in charge of water utilities. "We're having a lot of problems with fiber-optic contractors punching holes in our pipes."

The temporary closing of the MacArthur station reduced the city's ability to meet water demands, Ryburn said.

The city's entire water supply was diverted to the Berry Creek Pump Station, which can deliver a maximum of 49 million gallons of water per day. But the city's demand at this time of summer is about 51 million, Ryburn said.

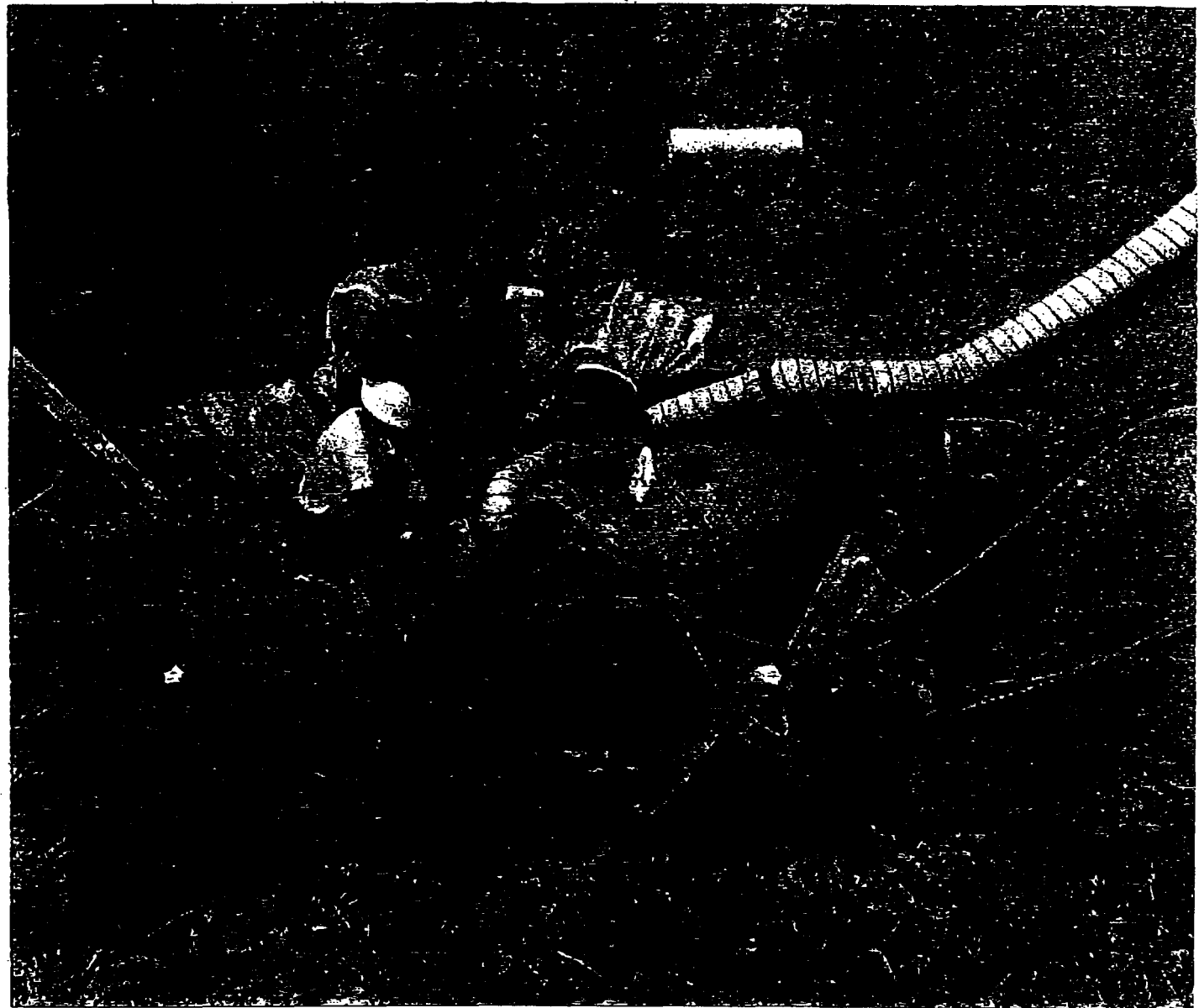
In a couple of hours, (the pipe damage) moved us to where we were last summer in one day," Ryburn said, noting the hot, dry weather that required the city to impose emergency water-management restrictions last year.

The city's ability is really strained in getting water from the MacArthur (pump station) to the entire city."

Use of sprinklers or outside hoses to water lawns or cars could cause water pressure in south Irving to drop, Ryburn said.

With everybody's help (in not using outside water), we can get through this crisis."

See WATER, Page 10A



Digging deep

City water department workers and employees of Hanson Construction check a broken water main for carbon dioxide on Friday before repairing the damage caused when the line was broken on Thursday.

RON BASELICE / News Staff

IF board **Keeping babies safe**

Demoted nail

Sunday, July 11, 1999

al

DALLAS MORNING NEWS



ROW BASELICE / News Staff

was open near the Spur 48 interchange on Friday morning because of repair work being done on the broken water main.

Water: City asks for conservation effort

Continued from Page 1A

think we can make it through," he said. "We just keep our fingers crossed."

The damage occurred on a portion of the water pipe located approximately 12 feet underground, between the eastbound and westbound lanes of State Highway 114, near the intersection of Spur 482.

The city closed two lanes of the freeway — one in each direction — Thursday morning and began excavating to determine the exact location and assess the dam-

age. Meanwhile, Dallas officials sealed the water flow. City workers exposed the pipe Friday morning and began working to repair it. As of press time Friday, the city said he was aiming to complete the repair by Saturday.

"If we get it back to normal before Sunday, we will honor those requests (for limited use)," he said.

Ryburn said the city lost about four million gallons of water because of the damage, but will not cost the city anything. The estimated repairing the damage may cost \$100,000.

revises plan again; some councilmen oppose change

discuss the plan at noon Wednesday during a special work session.

The \$119.9 million plan includes about \$40.1 million to fund road and sewer projects, and \$40 million to pay for project costs during the life of the TIF. Other projects include a \$10-million connection of the Las Colinas Area Personal Transit system to Dallas Area Rapid Transit's system, a \$5.5 million Lake Carolyn pedestrian promenade and \$6 million for parks.

TIF board members allocated another \$6.8 million to fund repairs to DCD's

also to be funded with TIF revenue.

TIF board member Bob Brown, who represents the Dallas County Community College District, said he believes the district will be "well served" with the plan.

"I believe the zone board plan does meet the educational objectives," Brown said.

Steve Mays, the TIF board member representing the Carrollton-Farmers Branch school district, agreed.

"At this point, it's a very good plan for the Carrollton-Farmers Branch school district," Mays said.

that was outlined during a July 2 conference committee of the TIF board and the City Council. Most notably, it reduces a proposed \$25 million allocation for the connection of the Area Personal Transit system with DART to \$10 million and places the funds in the project-costs category.

The new plan increases the city's contribution to 85 percent of maintenance-tax revenue on future development, instead of the council's suggested 75 percent. Also, it reinstates an agreement by the Las Colinas

needs to be at 75 percent."

Putnam said he hopes the council can make changes to the plan before adopting it, though such changes would be step on uncharted legal territory.

Acting City Attorney C. Anderson issued a legal opinion stating that the council can make changes to the plan, while TIF board attorneys maintain that the board must approve any plan prior to the council adopting it.

"I think we're prepared to adopt a

ATTACHMENT J

DAMAGES FROM CONTRACTOR INSTALLING FIBER OPTIC CABLE

Sorted by Date Billed

Date Billed	Amount	Date of Damage	Damage	Contractor	
1/29/1999	\$995.63	12/15/1998	Sewage Flow Monitor Repair	MONTGOMERY WATSON	

Total 1999 \$995.63

3/24/1999	\$776.08	3/3/1999	15" Sewer Main Repair	PAVE-CON UTILITY	
04-11-99	\$2,675.80	03-05-99	27" Sewer Main Repair	CHAMPAGNE-WEBBER	TxDot
09-30-99	\$1,130.05	03-08-99	Lateral Sewer Line Repair	TEXAS STERLING	
06-18-00	\$387.24	03-31-99	1" Water Main Repair	STARLING RICHARDSON	
06-21-99	\$2,567.64	04-19-99	12" Water Main Repair	PRECISION UNDERGROUND	
06-28-99	\$55.54	04-20-99	Sprinkler System Repair	MONTGOMERY WATSON	
06-17-99	\$602.06	04-21-99	8" Water Main Repair	SPRING VALLEY CONST.	
06-17-99	\$4,677.77	04-22-99	18" Water Main Repair	H.B. ZACHRY	TxDot
06-25-99	\$5,711.92	06-16-99	Lateral Sewer Line Repair	GRAMMERCY-BRISTON PT	
08-06-99	\$5,073.06	06-17-99	18" Water Main Repair	R-COM, INC.	CSDI
08-06-99	\$482.78	06-29-99	Damaged Service Line	L & S PLUMBING	
07-07-99	\$198.17	06-30-99	8" Water Main Repair	TEJAS TRENCHING	AT&T
07-07-99	\$232.64	06-30-99	8" Water Main Repair	McMAHON CONTRACTING	
07-12-99	\$44.43	07-06-99	Meter tail broken by contractor	HOUSLEY COMM.	GTE
07-20-99	\$1,428.71	07-13-99	6" Water Main Repair	R-COM, INC.	CSDI
07-27-99	\$6,270.28	07-20-99	8" Water Main Repair	BORE TECH OF IRVING	MM
06-17-99	\$743.62	07-21-99	8" Water Main Repair	LLANO CONSTRUCTION	CoServe
08-12-99	\$5,706.11	07-27-99	12" Water Main Repair	FISHEL	SWB
08-10-99	\$10,742.68	07-27-99	24" Water Main Repair	M & P CONSTRUCTION	GTE
08-06-99	\$804.19	07-28-99	8" Water Main Repair	LLANO CONSTRUCTION	TXU
09-02-99	\$3,797.56	08-16-99	12" Water Main Repair	FISHEL	SWB
09-30-99	\$1,005.44	09-22-99	18" Water Main Repair	CHRISTY DRILLING	
10-06-99	\$485.16	10-05-99	8" Water Main Repair	UTILITY CONST	
10-05-99	\$682.48	10-22-99	Meter and Meter Box Replaced	EXTREME RESIDENTIAL	TXU
11-16-99	\$1,904.61	10-28-99	Lateral Sewer Line Repair	INSTITUFORM	
11-15-99	\$834.43	11-03-99	8" Water Line Repair	JULIAN BARRY	
05-19-00	\$3,336.11	11-04-99	Meter Box Replacement 11/4/99-4/12/	LANCER'S SQUARE	
11-08-99	\$4,943.72	11-04-99	18" Water Main Repair	NORTHERN PIPELINE	TXU
11-17-99	\$647.53	11-16-99	8" Water Main Repair	MODERN EXPLORATIONS	GTE
12-20-99	\$452.16	12-14-99	Meter & Meter Box Replaced	SINACOLA	
12-31-99	\$156.37	12-29-99	2" Water Line Repair	HOUSLEY	GTE

Total 1999 \$68,556.34

02-03-00	\$730.59	01-31-00	8" Water Line Repair	CIRCLE J BORING	
02-08-00	\$102.48	02-04-00	3/4" Service Line Repair	TRENCHMASTERS	Mastec
05-04-00	\$1,751.73	02-29-00	Main Break Repair	GTI	AT&T
05-20-00	\$1,529.07	03-21-00	8" Water Line Repair	AF EXCAVATING	
06-02-00	\$4,901.80	05-13-00	12" FH Water Line Repair	MASTEC	GTE
06-02-00	\$9,803.53	05-13-00	12" FH Water Line Repair	MASTEC	GTE
06-02-00	\$86.19	05-17-00	3/4" Service Line Repair	FISHEL	SWB
07-05-00	\$137.21	06-02-00	8" Water Line Repair	R&S BACKHOE	
07-10-00	\$2,655.28	06-20-00	8" Water Line Repair	LLANO	TXU
08-12-00	\$8,698.69	06-22-00	12" Main Water Line Repair	M&L UTILITIES	SWB
08-03-00	\$1,161.65	06-28-00	12" Water Line Repair	TANDY & TANDY	GTE
07-12-00	\$1,125.45	07-09-00	Sewer Service Line Repair	MASTEC	TXU
08-03-00	\$8,465.49	07-13-00	24" Sewer Line Stoppage	North texas Municipal WD	
08-03-00	\$103.57	08-02-00	FH Damage due to misuse	M&L UTILITIES	SWB
08-07-00	\$1,861.29	08-05-00	8" Sewer Main Repair	MASTEC	TXU
09-12-00	\$338.61	08-22-00	Water & Sewer Line Repair	HOUSLEY	GTE
09-12-00	\$3,417.57	08-22-00	8" Water Main Repair	M&L UTILITIES	SWB
09-14-00	\$538.17	08-25-00	12" Water Line Repair	TEXAS ELECTRIC CONST.	TXU

DAMAGES FROM CONTRACTOR INSTALLING FIBER OPTIC CABLE

Sorted by Date Billed

Date Billed	Amount	Date of Damage	Damage	Contractor	
12-05-00	\$361.25	09-14-00	1" Water Service Repair	BRIDGEPORT COMM.	
11-15-00	\$903.78	09-28-00	12" Water Main Repair	CHENAULT ENTERPRISES	
11-20-00	\$3,726.56	10-05-00	12" Water Main Repair	SETHCO CONSTRUCTION	
11-22-00	\$14,832.32	10-12-00	33" Sewer Force Main Repair	TEXAS DIRECTION DRILLING	
12-05-00	\$1,150.41	10-19-00	2" Water Service Repair	WISE CHOICE INC.	
12-14-00	\$4,875.77	10-25-00	8" Water Main Repair	HOUSLEY	
12-06-00	\$402.41	10-25-00	3/4" Water Service Repair	DOUBLE H UNDERGROUND	
12-07-00	\$3,024.32	11-15-00	8" Water Main Repair	MASTEC	

Total 2000 **\$76,685.19**

01-31-01	\$44,892.19	10-17-00	10" Sewer Main Repair	ONFIBER COMMUNICATIONS	
02-23-01	\$2,099.20	01-26-01	20" Water Main Repair	MASTEC	
02-23-01	\$137.46	12-04-00	1" Water Service Repair	HAWKEYE UNDERGROUND	
02-23-01	\$4,431.83	10-13-00	20" Water Main Repair	ONFIBER COMMUNICATIONS	
02-28-01	\$662.57	01-04-01	2" Water Service Repair	RWC ENTERPRISES	
02-28-01	\$1,693.22	02-22-01	8" Water Main Repair	FUTURE TELECOM	
03-07-01	\$1,247.79	01-26-01	6" Water Main Repair	DOUBLE S CONSTRUCTION	
03-28-01	\$748.65	03-15-01	8" Water Main Repair	M&L UTILITIES	
03-28-01	\$2,290.85	03-12-01	8" Sewer Main Repair	FUTURE TELECOM	
05-15-01	\$762.43	04-04-01	2" Water Service Repair	RANGER DIRECTIONAL, INC.	
07-11-01	\$10,828.98	05-10-01	12" Water Main Repair	DAN MONK CONSTRUCTION	
07-30-01	\$657.65	06-07-01	6" Water Main Repair	SETIICO CONSTRUCTION	

Total 2001 **\$70,452.82**

Total 1998 **\$995.63**

Total 1999 **\$68,556.34**

Total 2000 **\$76,685.19**

Total 2001 **\$70,452.82**

Grand Total **\$216,689.98**

DOCUMENT OFF-LINE

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*attachment A,
One Map of AT & T Broadband
Facilities in Plano, TX*